

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:13-CV-897**

JAMES DILLON, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

v.

BMO HARRIS BANK, N.A., *et al.*,

Defendants.

**PLAINTIFF'S NOTICE TO CORRECT
STATEMENT MADE AT ORAL
ARGUMENT**

Plaintiff submits this notice to correct an inadvertent misstatement of fact made at oral argument on September 9, 2016 (Doc. 263):

1. On September 9, 2016, this Court held a hearing on Generations' Motion for Sanctions.

2. At oral argument, Mr. Six, arguing on behalf of Plaintiff, made the following statement:

MR. SIX: . . . During the briefing when defendants file motions to dismiss, frequently both parties have documents that may be useful, but they don't sua sponte bring them forward. So, when do you do it? Well, you do it at the first obligation you have under discovery rules. We still haven't gotten to Rule 26 conference in this case. And the very first time when we answered discovery, we disclosed the document, and it was before Mr. Dillon's deposition.

Doc. 263 at 28.

3. Counsel for Plaintiff would like to correct the statement at oral argument that was an inadvertent error. As disclosed in briefing submitted prior to the argument,

the correct production date of the document referred to was October 12, 2015, twelve days after Mr. Dillon's deposition. *See* Doc. 203, ¶ 3.

Respectfully submitted this the 28th day of October, 2016.

Respectfully submitted,

/s/ F. Hill Allen

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CERTIFICATE OF SERVICE

I certify that on this 28th day of October 2016, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of the filing to the attorneys on that system.

/s/ F. Hill Allen

F. Hill Allen